



State Of California

SEISMIC SAFETY COMMISSION

Arnold Schwarzenegger, Governor



Chief Don Parker
*Fire Protection
Chairman*

Lawrence Klein
*Utilities
Vice-Chairman*

Dr. Lucy Jones
Seismology

Andrew Adelman
*Cities/Building
Official*

Hon. Richard Alarcon
State Senate

Chris Modrzejewski
Senate Representative

Mark Church
Local Government

Dr. Bruce Clark
Geology

Hon. Carol Liu
State Assembly

Donald Manning
*Assembly
Representative*

Celestine Palmer
Insurance

Linden Nishinaga
Cities Government

Daniel Shapiro
*Structural
Engineering*

Jimmie Yee
Social Services

Richard McCarthy
Executive Director

Seismic Safety Commission
Minutes of Teleconference Meeting
June 9, 2005

Primary Teleconference Location: Seismic Safety Commission Office
1755 Creekside Oaks Dr., Suite 100
Sacramento, California

Members Participating

Donald R. Parker, Chairman
Lawrence T. Klein, Vice Chair
Andrew Adelman
Don Manning
Linden Nishinaga
Celestine Palmer
Daniel Shapiro
Jimmie R. Yee

Members Absent

Senator Richard Alarcon/Chris Modrzejewski
Bruce Clark
Mark Church
Celestine Palmer

Staff Participating

Richard McCarthy, Executive Director
Karen Cogan, Executive Assistant
Robert Anderson, Staff Geologist
Henry Reyes, Staff Structural Engineer
Henry Sepulveda, Director of Legislation
Fred Turner, Senior Structural Engineer

I. CALL TO ORDER/ROLL CALL

The meeting of the Seismic Safety Commission was called to order by Chairman Don Parker at 9:05 a.m. Executive Assistant Karen Cogan called the roll and confirmed the presence of a quorum.

II. CHAIRMAN'S REMARKS

Chairman Parker noted this was his first meeting as chair. He congratulated and thanked Commissioner Lucy Jones for her leadership during a time when the Commission faced challenges, such as the statewide CPR review of state agencies and the response to the Indonesian tsunami. He noted Commissioner Jones portrayed the Commission in a good light with the entire earthquake community and public, and he expressed his appreciation to her for her efforts.

Resolution for Commissioner Stan Moy

Chairman Parker drew attention to the resolution in the meeting packet recognizing retiring Commissioner Moy and his contributions to the Commission.

ACTION: Commissioner Klein made a motion, seconded by Commissioner Nishinaga, that:

The Commission adopt the resolution honoring Commissioner Moy.

* Motion carried, 8 - 0.

Annual Committee Assignments

Chairman Parker reviewed the committee rosters and identified changes.

He noted he would be replacing Commissioner Jones as chair of the Planning & Budget Committee. Ms. Cogan suggested listing Commissioner Jones as a member and deleting Commissioner Moy's name.

Commissioner Jimmie Yee said he did not intend to seek reappointment, so his name should be dropped from the Legislative Advisory Committee.

Commissioner Linden Nishinaga volunteered to join the Strong Motion Instrumentation Advisory Committee (SMIAC) and reappointed to chair the Pacific Earthquake Engineering and Research Center Oversight Committee.

Chairman Parker proposed that he and Commissioner Manning continue to co-chair the Emergency Planning & Response/Recovery Committee.

Mr. McCarthy proposed adding Crystal Rockwood and Lori Dengler to the Education & Outreach Committee. Ms. Cogan said she would contact Commissioner Palmer to confirm that she wanted to continue as chair. She noted this committee will become more active in planning the Quake '06 activities next spring.

Chairman Parker suggested taking advantage of some of EERI's resources through Susan Tubbesing.

Commissioner Jones volunteered to join the Tsunami Committee.

Mr. McCarthy recommended keeping the Ad Hoc Committee for Revision of the *Homeowner's Guide* because a Japanese translation is underway, and the California Earthquake Authority will be funding a Spanish translation soon.

Looking at the external committee assignments, Commissioner Yee agreed to stay on as the Commission's alternate representative on the Hospital Building Safety Board.

Mr. McCarthy proposed adding a SCEC Review Committee, with Commissioner Clark as chair and Commissioner Klein and Manning as members. Commissioners Adelman and Nishinaga volunteered to join.

III. APPROVAL OF MAY 2005 COMMISSION MEETING MINUTES

Commissioner Nishinaga suggested inviting Mr. Iwata, who made a presentation at the last meeting on Shizuoka Prefecture's tsunami mitigation efforts, to join the Commission's Education and Outreach

Committee. Mr. McCarthy noted Mr. Iwata's advice might be most helpful on the HOG Committee when the Japanese translation is ready to be reviewed. He said he would invite Mr. Iwata to participate.

Referring to Page 2 of the May 18 minutes, Chairman Parker clarified that Commissioner Nishinaga's nomination of Commissioner Church did not die for lack of a second, but because Commissioner Church declined.

ACTION: Commissioner Yee made a motion, seconded by Commissioner Shapiro, that:

The Commission approve the minutes of the May 18, 2005 meeting as amended.

Commissioner Shapiro announced that he would be abstaining because he had not received the meeting packet. Commissioners Adelman and Klein said they had not seen the May minutes and would also be abstaining.

* Motion carried, 5 - 0 - 3 (Commissioners Adelman, Shapiro, and Klein abstaining).

IV. EXECUTIVE DIRECTOR'S REPORT

Budget Update

Mr. McCarthy drew attention to the latest budget updates in the meeting packet. He suggested following the staff's recommendations, entering into an MOU with DGS's Contracted Fiscal Services for \$9,592, and budget \$3,000 in reserve for late bills, spending \$5,000 on printing the *Homeowner's Guide*, replenishing the postage meter, and other office expenses.

ACTION: Commissioner Jones made a motion, seconded by Commissioner Shapiro, that:

The Commission approve the staff recommendations to encumber \$9,592 for the fiscal services contract, \$3,000 for reserves, and \$5,000 for printing and miscellaneous office expenses.

* Motion carried, 8 - 0.

Update on FEMA Appeal

Mr. McCarthy reported that the Commission is still awaiting FEMA's response to its FOIA request to review FEMA's files, and the costs have not yet been determined. He said the auditors are going after new issues now, so Commissioner Klein suggested sending a letter indicating the Commission's acceptance of the initial audit results and the original amount.

Mr. McCarthy commented that he wanted to confer with Mr. Sepulveda and representatives of FEMA Region IX and the Office of Emergency Services (OES) to confirm the exact amount and discuss how the funds would be taken. He added that he hoped to have more definite information by the next meeting.

Update on *Homeowner's Guide*

Mr. McCarthy reported that the revisions were completed and 1,000 copies of the *Homeowner's Guide* were being printed. He said a Japanese translation will be available soon, and the Spanish translation will get underway as soon as the California Earthquake Authority issues a contract to the Commission

Mr. McCarthy noted the staff has received a number of requests to extend the July 1 effective date.

Attorney General's Court Order re Earthquake Research Funds

Mr. McCarthy informed the Commission that the Attorney General's Office has reached a settlement regarding the California Research Assistance Fund.

Commission Appointments

Mr. McCarthy reported that the Governor's Office called and advised that the Governor is working on Commission appointments.

V. LEGISLATION UPDATE

Mr. Henry Sepulveda drew attention to the updated report in the meeting packet. He said he would focus his remarks at this meeting on four bills.

AB 970 (Yee)

Mr. Sepulveda noted AB 970 was a Commission-sponsored bill intended to provide school districts with immunity for information they discover as a result of obtaining seismic safety data collected by the Division of the State Architect (DSA) in response to AB 300. He reported that the Assembly Judiciary Committee determined that existing law already provided such immunity, so the bill was amended to direct only that DSA provide the data upon request, which DSA is already doing.

ACTION: Commissioner Klein made a motion, seconded by Commissioner Yee, that:

The Commission allow release of the bill as requested, along with a letter of thanks to the author.

* Motion carried, 8 - 0.

Chairman Parker asked commissioners to provide comments to Mr. Sepulveda. There was general consensus to authorize Mr. Sepulveda to draft a letter for signature by the chairman and executive director.

ACTION: Commissioner Jones made a motion, seconded by Commissioner Manning, that:

The Commission draft a letter encouraging the California Department of Education and school advocacy groups to urge their constituents to obtain seismic data from DSA.

* Motion carried, 8 - 0.

AB 1374 (Liu)

Mr. Sepulveda reported that AB 1374, a Commission-sponsored bill that lifts the sunset on the Commission's funding arrangement through the Department of Insurance, was approved by the full Assembly and forwarded to the Senate. He recommended that commissioners visit legislators to advocate its passage. He said he would email commissioners with the bill's next hearing dates.

AB 1275 (Frommer)

Mr. Sepulveda noted the Commission took an "oppose unless amended" position on AB 1275 at the last meeting based on concerns that failure to pass the proposed hospital bonds would suspend compliance with the existing 2008 and 2013 deadlines. He said the staff communicated the Commission's position, and the bill did not pass out of the Assembly Appropriations Committee, so it becomes a two-year bill.

SB 167 (Speier)

Mr. Sepulveda said the Commission took a "support if amended" position on SB 167 at the last meeting, and the author has since indicated a willingness to specify the proposed 2020 compliance deadline in the statute. He noted the bill was amended to address the Commission's previous concerns about milestones and penalties. He recommended changing to a "support" position and issuing a letter of support.

ACTION: Commissioner Shapiro made a motion, seconded by Commissioner Nishinaga, that:

The Commission adopt a "support" position on SB 167 as proposed.

* Motion carried, 8 - 0.

VI. STATUS REPORT ON UNREINFORCED MASONRY LAW

Mr. Fred Turner presented the tenth progress report prepared by the Seismic Safety Commission since enactment of the 1986 unreinforced masonry (URM) law. He reported that significant progress has been made since the program's inception, and he referred to the summary and status report on Pages 4, 5, and 6 of the report. Mr. Turner said that over 98 percent of the state's hazardous URM buildings are in jurisdictions that have complied with the law, but many jurisdictions' programs are ineffective, so hazards still remain.

ACTION: Commissioner Klein made a motion, seconded by Commissioner Shapiro, that:

The Commission approve the report, subject to additional editorial changes and rewording of recommendations.

Mr. McCarthy observed that the second bullet item was the most important; he suggested stating that recommendation first. Commissioners agreed to switch the order of the first two items.

Commissioner Klein suggested moving the last sentence to the end of the "Conclusions" section, and other commissioners agreed.

Chairman Parker proposed replacing “can” with “may.”

* Motion carried, 8 - 0.

VII. UPDATE ON SEISMIC RETROFIT OF STATE AND LOCAL GOVERNMENT BUILDINGS

Mr. Turner introduced Mr. Joel McDonald, Chief of Seismic and Special Programs Unit, Real Estate Development Services, Department of General Services (DGS), and invited him to provide an update on the status of seismic retrofit work on state and local government buildings.

Mr. McDonald said DGS embarked on a retrofit program in response to SB 1250, passed in 1990, which provided \$300 million in state bond funds to improve state and local government buildings, of which \$50 million went to grants for local government buildings and \$250 million for state buildings. He noted UC, CSU, and community college facilities were not included in the retrofit program; he estimated they could have as many as 4,000 buildings needing retrofit.

Mr. McDonald said 325 applications were accepted, and 125 were withdrawn, some because they were unable to meet the 25 percent matching funds requirement. He reported that almost all the funds have been spent, and a couple remaining projects are nearing completion.

Mr. McDonald noted that none of the SB 1250 grant funding went to local government facilities in the Los Angeles area.

Mr. McDonald described the evaluation process used to identify and prioritize state buildings for retrofit. He reported that 142 buildings were worked on, including five projects that were funded with special funds from Caltrans or other agencies. He noted Section 6R of the California Building Code now mandates retrofits of state buildings, including UC and CSU buildings, under certain conditions.

Mr. McDonald said despite depleting the bond funds, the administration’s budget for 2005-06 includes ongoing support, so DGS plans to move forward with another 18 or 20 new projects. He thanked the Seismic Safety Commission for its assistance and support and commended the Commission’s efforts to improve seismic safety in California.

Mr. McCarthy advised that the Commission has a tracking document to monitor progress on its initiatives, and part of that involves keeping track of funds spent on retrofit projects. He clarified that in addition to the \$250 million, local matching funds added another \$50 million to the total.

Commissioner Shapiro asked how priorities were decided. Mr. McDonald explained that the original recommendations came from the evaluation team, and that group decided to put all buildings in Zone 4 on the list, irrespective of their risk assessments. Legislation later changed the criteria to risk-based, considering factors like life safety and population density. Chairman Parker thanked Mr. McDonald for his report.

VIII. COMMITTEE REPORTS

Tsunami Committee Report

Mr. Reyes reported that the Tsunami Committee will be holding its second meeting on June 23 in San Francisco. He said he and Mr. Anderson are arranging a series of guest speakers, including Mr. Lloyd Cluff, PG&E; Mr. Mark Johnson, California Coastal Commission; Mr. Mike Norneck, FEMA Region IX; Mr. Jim Aldridge, from OES' Homeland Security Office in San Francisco; and a Caltrans representation to discuss signage. Mr. Reyes noted committee members already received minutes of the May 31 meeting, and the next meeting agenda will be ready in a few days.

IX. PUBLIC COMMENT

There were no members of the public who wished to address the Commission.

X. CLOSED SESSION

At 11:27 a.m., the Commission adjourned to a closed session for the purpose of discussing pending litigation, pursuant to Government Code Section 11126(e)(1): Deborah Hansen v. Seismic Safety commission WCAB Case No. SFO 0451743.

The Commission resumed its public meeting at 11:45 a.m.

XI. MISCELLANEOUS & GOOD OF THE MEETING

There were no other items brought to the Commission's attention.

IX. ADJOURNMENT

There being no further business, the meeting of the Seismic Safety Commission was adjourned at 11:55 a.m.

Sue Celli
Office Manager

Approved by:

Richard McCarthy
Executive Director